



June 1, 1999

Mr. Eric Magee  
Staff Attorney  
Legal and Compliance Division  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR99-1513

Dear Mr. Magee:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 124548.

The Texas Department of Insurance (the "department") received a request for a certified copy of the Old American County Mutual Fire Insurance Company "Producers File" concerning a policy number and period of time. In response to the request, you submit to this office for review the information at issue. You state that "[s]ome of the requested information will be provided to" the requestor. You assert, however, that "[s]ome of the requested information may involve the proprietary or property interest of Old American County Mutual." Based on your arguments and the submitted document, we assume that you claim that the submitted information may be excepted from required public disclosure pursuant to section 552.110 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Pursuant to section 552.305, we notified Old American County Mutual Fire Insurance Company ("Old American"), whose proprietary interests may be implicated by this request for information, and provided them with an opportunity to claim that the information at issue is excepted from disclosure. *See* Gov't Code § 552.305; Open Records Decision No. 542 (1990). The notification states that if the company does not respond within 14 days

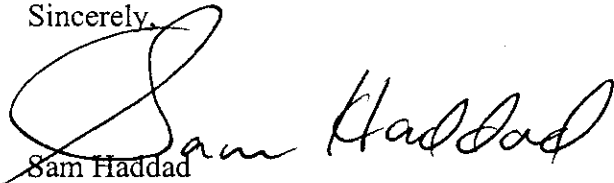
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<sup>2</sup>We note that information is not confidential under the Public Information Act simply because the party submitting it to a governmental body anticipates or requests that it be kept confidential. Open Records Decision No. 479 (1987).

of receipt, this office will assume that the company has no privacy or property interest in the requested information. Since Old American did not respond to our notification, we assume that the company has no property or privacy interest in the information. Therefore, we have no basis to conclude the information about Old American is excepted from required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large initial "S" and "H".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/nc

Ref.: ID# 124548

encl: Submitted documents

cc: Mr. Federico Soforo  
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(w/o enclosures)

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